

**IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI****STATE OF MISSISSIPPI****APPELLANT****v.****NO. 2015-CA-01060****KARISSA LYONS HILL****APPELLEE****MOTION TO DISMISS APPEAL**

**COMES NOW** the Appellant, State of Mississippi, through the undersigned counsel, and respectfully moves this Court to dismiss the appeal in the above-styled and numbered case. As grounds for this request, the State would respectfully show unto the Court the following:

**I.**

In April of 2014, Karissa Hill ("Hill") plead guilty to Sale of Cocaine in violation of Miss. Code Ann. §41-29-139. Hill was sentenced to fifteen (15) years in the custody of the Mississippi Department of Corrections ("MDOC"), ten (10) years initially suspended, five (5) years to serve initially followed by five (5) years on post-release supervision.

**II.**

Hill, while incarcerated in the MDOC, filed a motion for post-conviction relief claiming she should be automatically eligible for parole on her sale of controlled substance conviction after serving 25% of her term. Hill based this reasoning on her interpretation of Miss. Code Ann. §47-7-3(1)(f) which specifically excludes sale offenses from automatic parole eligibility. The Circuit Court of Lauderdale County subsequently granted Hill's request for relief. The State appealed the Circuit Court's Order to this Honorable Court as the State does not believe Hill's conviction automatically allows her parole eligibility. Notwithstanding this notion, Hill subsequently filed a petition requesting judicial parole authorization pursuant to Miss. Code Ann. §47-7-3(1)(g)(iii). The Circuit

Court granted Hill's request and authorized her to be seen by the Parole Board. *See* Ex. A. The Mississippi Parole Board subsequently granted Hill parole on November 30, 2015. *See* Ex. B.

### III.

The State respectfully submits that there is no longer any issue as to Hill's parole eligibility and therefore this appeal should be dismissed as moot. A case is moot so long as a judgment on the merits, if rendered, would be of no practical benefit to the plaintiff or detriment to the defendant. *Beals v. State*, 139 So. 3d 776, 777 (Miss. Ct. App. 2014)(quoting *Fails v. Jefferson Davis Cnty. Pub. Sch. Bd*, 95 So.3d 1223, 1225 (Miss. 2012)). When the state filed their appeal, an actual controversy existed, Hill's parole eligibility. Now that Hill has been paroled there is no controversy regarding her parole eligibility for the Court's review. No decision of this Court would be of practical benefit to State or Hill.

Because Hill's claim to her parole eligibility is no longer at issue the State respectfully moves this Court to dismiss this appeal as moot.

BY: s/Anthony L. Schmidt, Jr.

Anthony L. Schmidt, Jr.  
MSB #103746  
Special Assistant Attorney General  
633 North State Street  
Jackson, Mississippi 39202  
PH: (601) 359-5770  
FAX: (601) 359-5735  
EMAIL: [aschmidt@mdoc.state.ms.us](mailto:aschmidt@mdoc.state.ms.us)

**CERTIFICATE OF SERVICE**

I, Anthony L. Schmidt, Jr., Special Assistant Attorney General for the State of Mississippi, do hereby certify that I have this day mailed, postage prepaid, a true and correct copy of the above foregoing **MOTION TO DISMISS APPEAL** to the following:

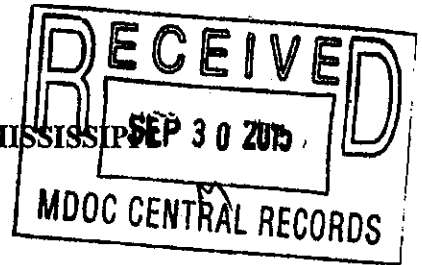
Mr. Jacob Howard  
MacArthur Justice Center  
767 North Congress St.  
Jackson, MS 39202

This the 7th day of December, 2015.

s/Anthony L. Schmidt, Jr.

Anthony L. Schmidt, Jr.  
MSB #103746  
Special Assistant Attorney General  
633 North State Street  
Jackson, Mississippi 39202  
PH: (601) 359-5770  
FAX: (601) 359-5735  
EMAIL: aschmidt@mdoc.state.ms.us

144913



IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

2015 SEP 29 PM 2:30

v.

*Dorinda Grace Johnson*

CAUSE NO: 443-11

KARISSA LYONS HILL

CIRCUIT CLERK

---

**ORDER AUTHORIZING PAROLE ELIGIBILITY  
PURSUANT TO MISSISSIPPI CODE SECTION 47-7-3(1)(g)(iii)**

---

BEFORE THE COURT is defendant Karissa Lyons Hill's Petition for Parole Eligibility Pursuant to Mississippi Code Section 47-7-3(1)(g)(iii). Having considered the Petition and its attachments, as well as the record in this matter, the Court finds as follows:

1. On April 21, 2014, Karissa Lyons Hill (also known as Karissa Lyons, MDOC #144913), was convicted of one count of selling 0.3 grams of cocaine, in violation of Miss. Code Ann. § 41-29-139(a). This Court subsequently sentenced Mrs. Hill to fifteen (15) years in the custody of the Mississippi Department of Corrections ("MDOC"). The Court suspended ten (10) years of the sentence and ordered Mrs. Hill to serve five (5) years in prison, followed by five (5) years of post-release supervision.

2. Miss. Code Ann. § 47-7-3(1)(g)(iii) (rev. 2015) provides that this Court may "authorize[]" a nonviolent offender "to be eligible for parole consideration" if she has served more than twenty-five percent (25%) of her sentence. For the purposes of Section 47-7-3(1)(g)(iii), a nonviolent offender is an offender who was not convicted of a "crime of violence" as defined by Miss. Code Ann. § 97-3-2.

3. The sale of cocaine is not a "crime of violence" as defined by Miss. Code Ann. § 97-3-2. Moreover, Mrs. Hill has now served more than twenty-five percent (25%) of the five (5)

year prison sentence imposed by this Court. Thus, this Court may "authorize[]" Mrs. Hill "to be eligible for parole consideration." Miss. Code Ann. § 47-7-3(1)(g)(iii).

4. In support of her petition, Mrs. Hill has submitted documents and letters that demonstrate that she has accepted responsibility for her crime, obeyed prison rules, and made efforts to rehabilitate herself. She has also demonstrated that she has a supportive family, parental responsibilities, and job opportunities that will help her to continue her rehabilitation and be a productive, law-abiding member of society

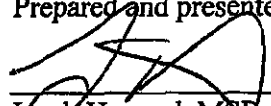
5. The Court finds that Mrs. Hill's Petition is well-taken and will "authorize[]" her "to be eligible for parole consideration." Miss. Code Ann. § 47-7-3(1)(g)(iii). However, the decision whether to release Mrs. Hill on parole remains with the Parole Board. See Miss. Code Ann. § 47-7-5(3).

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that defendant Karissa Lyons Hill (also known as Karissa Lyons, MDOC #144913) is hereby authorized to be eligible for parole consideration. The Clerk of the Court shall mail a certified copy of this Order to the Mississippi Department of Corrections and the Mississippi Parole Board.

SO ORDERED, this the 29 day of Sept, 2015.

  
CIRCUIT COURT JUDGE

Prepared and presented by:

  
Jacob Howard, MSB #103256  
MacArthur Justice Center  
767 North Congress Street  
Jackson, MS 39202  
Tele: (601) 969-0802, Ext. 204  
Fax: (601) 969-0804  
[jhoward@macarthurjustice.org](mailto:jhoward@macarthurjustice.org)

*Counsel for Mrs. Hill*

**MISSISSIPPI PAROLE BOARD**

Jackson, Mississippi

**CERTIFICATE OF PAROLE****KNOW ALL MEN BY THESE PRESENTS:**It having been made to appear to the State Parole Board that LYONS, KARRISA

                    , Register No. 144913, a prisoner in the Mississippi DEPARTMENT OF CORRECTIONS is eligible to be PAROLED and that there is a reasonable probability that said prisoner WILL REMAIN AT LIBERTY WITHOUT VIOLATING THE LAWS, and it being the opinion of the State Parole Board that the release of this prisoner is not incompatible with the welfare of society it is ORDERED by the said State Parole Board that the prisoner be PAROLED from the MISSISSIPPI DEPARTMENT OF CORRECTIONS ON NOVEMBER 30, 2015 and that said prisoner is paroled to LEE COUNTY to remain there until properly transferred by Mississippi Department of Corrections personnel or until expiration or revocation of said parole, or in event of arrest and conviction for law violation, until action has been taken by the State Parole Board.

Witness our signature and seal, this 3rd day  
of November 2015

## STATE PAROLE BOARD

STEVEN PICKETT

,Chairman

NHEMIAH FLOWERS

,Member

BETTY LOU JONES

,Member

KATHY HENRY

,Member

BUTCH TOWNSEND

,Member

# STATEMENT OF CONDITIONS UNDER WHICH THIS PAROLE IS GRANTED

This Certificate of Parole shall not become operative until the following conditions are agreed to by the prisoner

1. FIRST REPORT: I will report to my field officer within 24 hours of my actual release, unless otherwise directed.  
LEE COUNTY P&P 816 ROBERT E. LEE DRIVE, TUPELO, MS 38801 (662) 841-1884

Field	Officer	Address
-------	---------	---------

2. REGULAR REPORTS: I will, until my final discharge, report to my Field Officer at the times and places I am instructed to report. If at any time it becomes necessary to communicate with my Field Officer and he is not accessible, I will direct my communication to the Department of Community Services, Mississippi Department of Corrections, Jackson, MS (601/359-5600).
3. EMPLOYMENT: I will work diligently at a lawful occupation and support my legal dependents, if any, to the best of my ability. I will not quit my job without getting permission from my Field Officer.
4. RESIDENCE: I will not change my residence without first getting permission from my Field Officer. I will not abscond (leave) from parole supervision. I will allow my Field Officer to visit my residence.
5. LEAVING STATE: I will not leave my State of residence, even briefly, or any other State to which I am released or transferred without written permission from my Field Officer.
6. ILLEGAL DRUGS AND ALCOHOL: I will not possess or use any illegal drugs, narcotics, mood altering substances, or any substances controlled by law which are not prescribed for me by a physician. I will not drink alcoholic or intoxicating beverages and will not go into, or frequent places where they are the chief item of sale. Driving under the influence (DUI), public intoxication shall be sufficient proof of consumption. I will abide by the laws relative to test utilized for the purpose of monitoring alcohol or drug usage.
7. PERSONS AND PLACES OF BAD REPUTATION: I will not knowingly associate with any former inmate of a penal institution, any person who has been convicted of a felony, or any person of bad reputation. I will not visit places of bad reputation where disorderly conduct is likely to occur or which is frequented by persons of ill repute (bars, lounges, night clubs, gambling houses, etc.).
8. WEAPONS: I will not possess or have under my control any firearm or other deadly weapon.
9. LAW AND IMMEDIATE NOTIFICATION: I will not violate any city, county, State or Federal Laws. I will, within 48 hours, notify my Field Officer if I am arrested for any offense, including a traffic offense or receive a citation or if there is any change in my residence or termination of employment or if my name changes as a result of marriage or divorce.
10. CURFEW: I will not be away from my residence between the hours of 12:00 midnight and 6:00 a.m. unless required to do so in connection with my employment, and with field officer's permission.
11. QUESTIONS AND INSTRUCTIONS: I will promptly and truthfully answer questions from my Field Officer, the Parole Board and its authorized representatives and carry out all instructions from them.
12. SUPERVISION FEE AND COURT-ORDERED PAYMENTS: In accordance with my instructions issued to me by my Field Officer, I will pay a monthly parole supervision fee as established by Section 47-7-49 of the Mississippi Code. In accordance with instructions from my Field Officer, I will pay any court-ordered penalties or restitution specified in my sentence(s).
13. VISIT TO CORRECTIONAL FACILITY: I will not return to a facility of the Mississippi Department of Corrections on a visit without the joint approval of my Field Officer and the Administrator of the Correctional Facility.
14. EXTRADITION: I do hereby waive extradition to the State of Mississippi from any state, territory or District of the United States and from any territory or country outside the United States.
15. AGREEMENTS: I will not enter into any agreement to act as an "informer" or special agent for any law enforcement agency that will put me in violation of my parole conditions.
16. DETAINER: If I am released to a detainer and the detainer is cleared or satisfied, I will, within 48 hours of my release from the custody of that jurisdiction, contact in person or by telephone, the Department of Community Corrections Division, Mississippi Department of Corrections, Jackson, MS at 601/359-5600 for reporting instructions.
17. SPECIAL CONDITIONS: I further agree to abide by the following special requirements.

**MUST NOT USE ALCOHOLIC BEVERAGES**  
**8 MONTHS GPS**

To all of which conditions, I DO SOLEMNLY PROMISE AND AGREE

Date NOVEMBER 30 15 Signed Kasso Lyons  
Witness [Signature] Register No. 144913  
[Signature]  
Tide

The board realizes that, under the American system, compulsory church attendance may be regarded as infringement upon the idea of separation of church and state and therefore does not include this as a specific condition of parole. However, the Board wishes the parolee to know that in its opinion no more important element enters into the proper rehabilitation of the individual than does religion. The Board strongly recommends to the parolee that he or she, immediately upon release on parole, communicate with a minister, priest or rabbi of the parolee's own choosing and secure the assistance of such person in helping work out the parolee's problems. The Board suggests to the parolee regular church attendance and active membership by the parolee in church of the parolee's choosing.